

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPARATUS AND METHOD FOR IDENTIFICATION OF CRYSTALS BY *IN-SITU* X-RAY DIFFRACTION

and for which a patent application:

: is attached hereto and includes amendment(s) filed on *(if applicable)*

9 was filed in the United States on as Application No. *(for declaration not accompanying application)*

with amendment(s) filed on *(if applicable)*

9 was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |         |                                      |                     |
|--------------------------------------------------------------------------------------------|---------|--------------------------------------|---------------------|
| APPLICATION NUMBER                                                                         | COUNTRY | DATE OF FILING<br>(day, month, year) | PRIORITY<br>CLAIMED |
|                                                                                            |         |                                      | YES 9 NO 9          |
|                                                                                            |         |                                      | YES 9 NO 9          |
|                                                                                            |         |                                      | YES 9 NO 9          |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| PROVISIONAL APPLICATION NUMBER | FILING DATE      |
|--------------------------------|------------------|
| 60/242,034                     | October 19, 2000 |
|                                |                  |
|                                |                  |

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL<br>APPLICATION SERIAL NO. | FILING DATE | STATUS   |         |           |
|-------------------------------------------|-------------|----------|---------|-----------|
|                                           |             | PATENTED | PENDING | ABANDONED |
|                                           |             |          |         |           |
|                                           |             |          |         |           |
|                                           |             |          |         |           |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|             |                         |                                  |                                                  |                                     |                     |
|-------------|-------------------------|----------------------------------|--------------------------------------------------|-------------------------------------|---------------------|
| 2<br>0<br>1 | FULL NAME OF INVENTOR   | LAST NAME<br>Newman              | FIRST NAME<br>Janet                              | MIDDLE NAME                         |                     |
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|             |                         |                                  | SIGNATURE OF INVENTOR 201<br><i>Janet Newman</i> |                                     | DATE<br>18 Oct 2001 |
| 2<br>0<br>2 | FULL NAME OF INVENTOR   | LAST NAME<br>de La Fortelle      | FIRST NAME<br>Eric                               | MIDDLE NAME                         |                     |
|             | RESIDENCE & CITIZENSHIP | CITY<br>Cardiff                  | STATE OR FOREIGN COUNTRY<br>California           | COUNTRY OF CITIZENSHIP<br>France    |                     |
|             | POST OFFICE ADDRESS     | STREET<br>2330 Manchester Avenue | CITY<br>Cardiff                                  | STATE OR COUNTRY<br>CA              | ZIP CODE<br>92007   |
|             |                         |                                  | SIGNATURE OF INVENTOR 202<br><i>[Signature]</i>  |                                     | DATE<br>10-18-2001  |

POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:  
NEWMAN and DE LA FORTELLE

Application No.: To be assigned

Filed: Herewith

For: *Apparatus and Method for  
Identification of Crystals by In-Situ  
X-Ray Diffraction*

Attorney Docket No.: 10342-0010-999

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No.

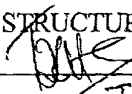
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40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 24341), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application:

- ☐ was recorded on \_\_\_\_\_ at reel/frame \_\_\_\_/\_\_\_\_.
- ☒ is submitted herewith for recording.

Please direct all correspondence for this application to customer no. 24341.

ASSIGNEE: STRUCTURAL GENOMIX, INC.  
Signature:   
Typed Name: TIM HARRIS  
Position/Title: PRESIDENT & CEO  
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Date: 10/17/01